

(3) Using unqualified phrases such as “wood-pattern” or “woodgrain finish” to describe a panel having a wood surface which has been stamped, rolled, pressed, or otherwise processed in such manner as to change the natural wood grain design. Proper descriptions would include “simulated woodgrain finish”, “imitation grain figure” or “simulated walnut grain finish on birch face veneer”;

(4) Describing as “hardwood plywood” a panel made of hardwood plywood but having a vinyl film surface simulating a wood finish. Proper descriptions would include “hardwood plywood with simulated wood grain on vinyl overlay” or “simulated wood surface on plywood”.

(c) Examples of failure to disclose facts concerning composition when the appearance of industry products could convey a misleading impression include circumstances such as when a product, or part thereof, is: Wood but has the appearance of a different kind of wood; and Not wood but has an appearance simulating wood. For instance, when necessary to prevent possible deception an affirmative disclosure should be made of the facts concerning composition when an industry product, or part thereof:

(1) Has an exposed surface of plastic, metal, vinyl, hardboard, particle-board or other material not possessing a natural wood grain structure but which has an appearance simulating that of a wood grain. Depending on the composition, proper descriptions would include “simulated walnut finish on plastic face”, “vinyl surface with simulated pecan finish”, “simulated birch finish on hardboard” “mahogany grained plastic”, or other nondeceptive phrases;

(2) Has a wood surface finished by means of staining, decalcomania, printing, paper coating or other process so as to have the appearance of a different kind of wood. Depending on the composition, proper descriptions would include “mahogany finished gum plywood”, “walnut stained plywood”, “walnut finish on pecan veneer face”, or “cherry grain design on hardwood plywood”;

(3) Has an appearance which could mislead potential purchasers in any material respect.

(d) Examples of wood names to describe color, grain design, etc.:

(1) When a wood name is used in advertising or labeling to describe the grain and/or color of a stain finish or other type of simulated finish which has been applied to a surface composed of something other than solid wood of the type named, it should be made clear that the wood name used is merely descriptive of the grain design and/or color or other simulated finish.

(2) Under this section, unqualified phrases such as “walnut”, “walnut finish”, “in walnut”, “fruitwood”, “oak”, “mahogany finish”, and other terms of similar import or meaning, will not be adequate. But statements such as “walnut stain”, “maple stain finish”, “mahogany finish on gum”, “photographically reproduced pecan grain”, “printed pecan design”, “fruitwood finish on selected hardwood veneer”, “cherry grain finish on vinyl overlay” and “walnut finish on other hardwoods” (or “softwoods”, as the case may be) will satisfy this provision if such statements are factually correct and appear in contexts which are otherwise nondeceptive.<sup>2</sup> [Guide 2]

#### § 243.3 Deceptive use of wood names.

Industry members should not use any direct or indirect representation concerning the identity of the wood in industry products that is false or likely to mislead purchasers as to the actual wood composition.

(a) *Walnut*. The unqualified term *walnut* should not be used to describe wood other than genuine solid walnut (genus *Juglans*). The term *black walnut* should be applied only to the species *Juglans nigra*.

(b) *Mahogany*. (1) The unqualified term *mahogany* should not be used to describe wood other than genuine solid mahogany (genus *Swietenia* of the *Meliaceae* family). The woods of genus *Swietenia* may be described by the term “mahogany” with or without a prefix designating the country or region of its origin, such as “Honduras mahogany”. “Costa Rican mahogany”.

<sup>2</sup>See paragraphs (b) and (c) of § 243.1.

"Brazilian mahogany" or "Mexican mahogany".

(2) The term "mahogany" may be used to describe solid wood of the genus *Khaya* of the Meliaceae family, but only when prefixed by the word "African" (e.g., "African mahogany").

(3) In naming or designating the seven nonmahogany Philippine woods Tanguile, Red Lauan, White Lauan, Tiaong, Almon, Mayapis, and Bagtikan, the term "mahogany" may be used but only when prefixed by the word "Philippine" (e.g., "Philippine mahogany"), due to the long standing usage of that term. Examples of improper use of the term "mahogany" include reference to Red Lauan as "Lauan mahogany" or to White Lauan as "Blond Lauan mahogany". Such woods, however, may be described as "Red Lauan" or "Lauan" or "White Lauan", respectively. The term "Philippine mahogany" will be accepted as a name or designation of the seven woods named above. Such term shall not be applied to any other wood, whether or not grown on the Philippine Islands.

(4) The term "mahogany", with or without qualifications, should not be used to describe any other wood except as provided above. This applies also to any of the woods belonging to the Meliaceae family, other than genera *Swietenia* and *Khaya*.

(c) *Maple*. The terms *hard maple*, *rock maple*, *bird's-eye maple*, *Northern maple* or other terms of similar nature should not be used to describe woods other than those known under the lumber trade names of Black Maple (*Acer nigrum*) and Sugar Maple (*Acer saccharum*).

NOTE: Nothing in this section should be construed as prohibiting the nondeceptive use of wood names to describe the color, stain, simulated finish, or appearance of industry products; *Provided*, That appropriate qualifications are made in accordance with provisions in §243.2(d).

[Guide 3]

#### §243.4 Imitations of materials other than wood.

Industry members should not misrepresent the composition of any industry product, or part thereof, or fail to disclose any material fact concerning the composition of an industry

product when the failure to do so has the capacity and tendency or effect of deceiving purchasers or prospective purchasers.<sup>3</sup> For example:

(a) A hardboard panel having an imitation marble finish should not be described without qualification as "marble", "onyx", "travertine" or "travertine marble finish". Proper descriptions would include "simulated marble finish", "imitation marble-textured", "marble pattern on plastic faced hardboard", "simulated travertine on hardboard", "marble pattern on vinylfaced hardboard" or other nondeceptive terms;

(b) A fiberboard panel having an imitation burlap finish should not be described without qualifications as "burlap" or "burlap finish". Proper descriptions would include "imitation burlap weave finish", "simulated burlap design on fiberboard", "simulated burlap finish on fiberboard", "burlap pattern on embossed vinyl surface" or other nondeceptive terms. [Guide 4]

#### §243.5 Misleading illustrations.

Industry members should not use any picture, illustration, diagram or other depiction, either alone or in conjunction with words or phrases, which would have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers concerning any material fact relating to an industry product. For example, if an advertisement showed installed panels with the color and graining characteristic of walnut, but the paneling being offered was not genuine solid walnut, then the advertisement should contain a clear and conspicuous disclosure of the composition of the product being offered (e.g., "walnut veneer plywood", "engraved walnut grain design on selected hardwood plywood", or "simulated walnut finish on hardboard").<sup>3</sup> [Guide 5]

#### §243.6 Deceptive use of trade or corporate names, coined names, trademarks, etc.

Industry members should not use any trade name, product name, corporate name, coined name, trademark or other trade designation, which has the

<sup>3</sup>See paragraphs (b) and (c) of §243.1.